

HOUSE BILL 651

D4

2lr1132
CF SB 720

By: **Delegate Waldstreicher (By Request – Task Force on Prisoner Reentry)**
and Delegates Anderson, Barnes, Carter, Clippinger, Dumais, Gaines,
Haynes, Hough, Ivey, McIntosh, Pena–Melnyk, Proctor, Rosenberg,
Ross, Simmons, V. Turner, Valderrama, and Washington

Introduced and read first time: February 8, 2012

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 17, 2012

CHAPTER _____

1 AN ACT concerning

2 **Child Support – Incarcerated Obligor – Suspension of Payments and**
3 **Accrual of Arrearages**

4 FOR the purpose of establishing that child support payments are not past due and
5 arrearages may not accrue during any period when the obligor is incarcerated
6 and for a certain period after the obligor’s release from confinement under
7 certain circumstances; authorizing the Child Support Enforcement
8 Administration to adjust an incarcerated obligor’s payment account in certain
9 cases to reflect the suspension of the accrual of arrearages under this Act;
10 requiring the Administration to send a certain notice to the obligee before
11 making an adjustment; defining certain terms; and generally relating to the
12 child support obligations of incarcerated obligors.

13 BY adding to
14 Article – Family Law
15 Section 12–104.1
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2011 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1

Article – Family Law

2 12-104.1.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
4 MEANINGS INDICATED.

5 (2) “ADMINISTRATION” HAS THE MEANING STATED IN § 10-101
6 OF THIS ARTICLE.

7 (3) “OBLIGEE” HAS THE MEANING STATED IN § 10-101 OF THIS
8 ARTICLE.

9 (4) “OBLIGOR” HAS THE MEANING STATED IN § 10-101 OF THIS
10 ARTICLE.

11 (B) A CHILD SUPPORT PAYMENT IS NOT PAST DUE AND ARREARAGES
12 MAY NOT ACCRUE DURING ANY PERIOD WHEN THE OBLIGOR IS INCARCERATED,
13 AND CONTINUING FOR 60 DAYS AFTER THE OBLIGOR’S RELEASE FROM
14 CONFINEMENT, IF:

15 (1) THE OBLIGOR WAS SENTENCED TO A TERM OF IMPRISONMENT
16 OF 18 CONSECUTIVE MONTHS OR MORE;

17 (2) THE OBLIGOR IS NOT ON WORK RELEASE AND HAS
18 INSUFFICIENT RESOURCES WITH WHICH TO MAKE PAYMENT; AND

19 (3) THE OBLIGOR DID NOT COMMIT THE CRIME WITH THE INTENT
20 OF BEING INCARCERATED OR OTHERWISE BECOMING IMPOVERISHED.

21 (C) (1) IN ANY CASE IN WHICH THE ADMINISTRATION IS PROVIDING
22 CHILD SUPPORT SERVICES UNDER TITLE IV, PART D OF THE SOCIAL SECURITY
23 ACT, THE ADMINISTRATION MAY, WITHOUT THE NECESSITY OF ANY MOTION
24 BEING FILED WITH THE COURT, ADJUST AN INCARCERATED OBLIGOR’S
25 PAYMENT ACCOUNT TO REFLECT THE SUSPENSION OF THE ACCRUAL OF
26 ARREARAGES UNDER SUBSECTION (B) OF THIS SECTION.

27 (2) BEFORE MAKING AN ADJUSTMENT UNDER PARAGRAPH (1) OF
28 THIS SUBSECTION, THE ADMINISTRATION SHALL SEND WRITTEN NOTICE OF
29 THE PROPOSED ACTION TO THE OBLIGEE, INCLUDING THE OBLIGEE’S RIGHT TO
30 OBJECT TO THE PROPOSED ACTION AND AN EXPLANATION OF THE PROCEDURES
31 FOR FILING AN OBJECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.